

REMARKS

This Application has been carefully reviewed in light of the final Office Action mailed October 7, 2004 (the "Office Action"). The Examiner rejects Claims 1-74. In order to advance prosecution of this case, Applicants amend Claims 1-3, 5, 8-9, 12-15, 19, 21-25, 27, 30-32, 34, 37-38, 41-43, 45, 48-50, 52, and 55-56, cancel Claims 4, 16, 20, 26, 33, 44, 51, 59-73 without prejudice or disclaimer and add new Claims 75-95. Applicants respectfully request reconsideration and favorable action in this case.

Telephone Interview

The Examiner, Melanie Jagannathan, conducted a telephone interview with Applicants' counsel (also referred to herein as Applicant), Chad C. Walters, on December 22, 2004. Applicants thank the Examiner for the opportunity to conduct this interview. In the interview, the Examiner and Applicants discussed the differences between the hold and ring back options of pending Claims 4 and 5 and subject matter disclosed in U.S. Patent No. 6,628,666 issued to Pickering et al. ("*Pickering*"). While Applicants expressed a belief that pending Claims 4 and 5 were patentable over *Pickering*, Applicants agreed to further clarify the claimed hold and ring back options by amendment.

Section 102 and 103 Rejections

The Office Action rejects Claims 1-9, 11-22, 30-38, 40-46, 48-56, 58-65, and 73 under 35 U.S.C. §102(e) as being unpatentable over *Pickering*. The Office Action rejects Claims 10, 23-29, 39, 47, 57, and 66-72 under 35 U.S.C. §103(a) as being unpatentable over *Pickering* in view of U.S. Patent No. 6,590,867 issued to Ash et al. ("*Ash*"). The Office Action rejects Claim 74 under 35 U.S.C. §103(a) as being unpatentable over *Pickering*. Applicants respectfully traverse these rejections.

Amended Claim 1 recites "the at least one call completion option comprising a hold option to hold for a connection between the origination and the destination pending bandwidth availability" and, "upon receiving a selection of the hold option from the call originator," "storing the call setup request in response to the selection of the hold option," "determining when bandwidth is available" and "establishing a connection between the origination and the destination when the bandwidth is available." Claims 12, 15, 19, 23, 30,

41, and 48 recite similar elements. *Pickering* does not disclose, teach or suggest presenting a hold option to hold for a connection between an origination and a destination or receiving a selection of a hold option from a call originator. Therefore, for at least these reasons, Applicants respectfully submit that Claims 1, 12, 15, 19, 23, 30, 41, and 48 are patentable over the cited art and request that the rejections of Claims 1, 12, 15, 19, 23, 30, 41, and 48 be withdrawn.

Claims 2-3 and 5-11 each depends, either directly or indirectly, from Claim 1; Claims 13 and 14 each depends from Claim 12; Claims 17-18 each depends from Claim 15; Claims 21-22 each depends from Claim 19; Claims 24-25 and 27-29 each depends, either directly or indirectly, from Claim 23; Claims 31-32 and 34-40 each depends, either directly or indirectly, from Claim 30; Claims 42-43 and 45-47 each depends, either directly or indirectly, from Claim 41; and Claims 49-50 and 52-58 each depends, either directly or indirectly, from Claim 48. Claims 1, 12, 15, 19, 30, 41, and 48 are shown above to be allowable. Thus, for at least the reasons discussed above with respect to Claims 1, 12, 15, 19, 30, 41, and 48, Applicants respectfully request that the rejections of Claims 2-3, 5-11, 13-14, 17-18, 21-22, 24-25, 27-29, 31-32, 34-40, 43, 45-47, 49-50, and 52-58 be withdrawn.

Claim 74 recites wherein presenting the call completion option comprises presenting the call completion option "using an interactive voice response system." *Pickering* discloses alerting a user of a pending crossover and asking for permission to switch the call to a PSTN call. *See Pickering*, col. 8, lines 25-29. The Examiner suggests that "it would have been obvious to a person of ordinary skill in the art to modify *Pickering et al.* to include voice response system" and that "[o]ne of ordinary skill would be motivated to do this for alternative to pop-up window for authorizing transfer with client." Office Action, page 6. However, the Examiner has cited no disclosure in the art to even support presenting a call completion option using an interactive voice response system. The mere disclosure of alerting a user of a crossover via a pop-up window in no way discloses or makes obvious presenting a call completion option using an interactive voice response system. Pop-up windows and interactive voice response systems are two totally different methods for communicating with a user.

In addition, there is no motivation to even make the proposed modification. The Examiner's statement that one of ordinary skill would have been motivated to make the proposed modification "for alternative to pop-up window for authorizing transfer with client" does not meet strict standard of the Federal Circuit and the M.P.E.P. for supporting a rejection based on obviousness. The "fact that references can be combined or modified does not render the resultant combination [or modification] obvious unless the prior art also suggests the desirability of the combination" or modification. M.P.E.P. 2143.01. (emphasis in original). Therefore, for at least these reasons, Applicants respectfully submit that Claim 74 is patentable over the cited art and request that the rejection of Claim 74 be withdrawn.

New Claims

Applicants add new Claims 75-95. Claims 75-95 contain no new matter and are fully supported by the specification as filed.

Claim 75 recites "the at least one call completion option comprising a ring back option" and, "upon receiving a selection of the ring back option from the call originator," "storing the call setup request in response to the selection of the ring back option," "disconnecting with the call originator," "determining when the bandwidth is available," "establishing a connection between the origination and the destination" and "alerting the call originator that the VoP call will proceed." Claim 85 recites similar elements. None of the cited references used in the rejections disclose, teach or suggest presenting a ring back option to a call originator, receiving a selection of a ring back option from the call originator or, upon such receipt, disconnecting with the call originator. Therefore, Applicants respectfully request allowance of Claims 75 and 85.

Claims 76-84 each depends, either directly or indirectly, from Claim 75 and Claims 86-91 each depend, either directly or indirectly, from Claim 85. Applicants respectfully submit that Claims 76-84 and 86-91 are allowable over the cited art used in the previous rejections for at least the reasons discussed above with respect to Claims 75 and 85, respectively.

Claim 92 recites selecting a call completion option for a call originator "based on an identity of the call originator." None of the cited references used in the rejections disclose, teach or suggest this element. Applicants respectfully request allowance of Claim 92. Claim 93 depends from Claim 92. Applicants respectfully submit that Claim 93 is allowable over the cited art used in the previous rejections for at least the reason discussed above with respect to Claim 92. In addition, Claim 93 recites a call completion option selected "based on an employee priority of the call originator," and none of the cited references used in the rejections disclose, teach or suggest this element.

Claims 94-95 each depends, either directly or indirectly, from Claim 1. Applicants respectfully submit that Claims 94-95 are allowable over the cited art used in the previous rejections for at least the reasons discussed above with respect to Claim 1.


CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicant hereby requests a telephone conference with the Examiner and further request that the Examiner contact Chad C. Walters, Attorney for Applicant, at the Examiner's convenience at (214) 953-6511 to schedule the telephone conference.

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
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Date: January 7, 2004 2005

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